IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 716 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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POLARA IMARANALI RAJABHAI - Petitioner(s)

Versus

REGIONAL PASSPORT OFFICER - Respondent(s)

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Appearance :

MR MURALI N DEVNANI for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
MR JITENDRA MALKAN for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 25/01/2006

ORAL JUDGMENT

1. It is an admitted position that up till now the passport is not issued by the respondent authority to the petitioner. However, the grievance of the petitioner is that since there is different dates in the birth register as well as in the school leaving certificate, the application of the petitioner for passport is not accepted. The learned Standing Counsel for the the respondent states that as there is discrepancy regarding the birth-date in the birth certificate as well as in the school leaving certificate, the application is not accepted.

2. In my view, not accepting the application on the part of the Passport Authority merely on the ground that there is some discrepancy in the certificates cannot be said to be reasonable and

proper. Once an application is made by any person for seeking passport, it is obligatory on the part of the authority to accept the application. Thereafter, it is for the passport authority to examine the record and take appropriate decision. While considering the application, the passport authority may rely upon the documents, either of school leaving certificate or birth-register, which he may find it proper considering the facts and circumstances of the case and in accordance with law.

3. In the result, the present petition is disposed of with the directions that the passport authority shall accept the application of the petitioner for issuance of passport and shall consider the matter in accordance with law and shall act on the basis of the birth-certificate issued by the competent authority and shall issue passport in accordance with law.

4. The petition is accordingly allowed. Rule is made absolute to the aforesaid extent Direct service is permitted.

(M.R.SHAH,J.)

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